

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In Re:)
)
AREDIA® AND ZOMETA® PRODUCTS)
LIABILITY LITIGATION)
(MDL No. 1760))
)
This Document Relates to:)
Campese, 3:09-00189)
)
No. 3:06-MD-1760
Judge Campbell/Brown

ORDER

A suggestion of death was filed on November 13, 2013 establishing that plaintiff Joseph Campese died on September 17, 2012. (MDL Doc. 7120; Related Case 45)

Counsel filed a motion on February 10, 2014 to substitute provisionally someone identified only as “Ms. Campese” as the plaintiff in this action. (MDL Doc. 7321, ¶ 4, p. 1; Related Case 46) Counsel also moves that “Mr. James E. Willis . . . be substituted as the personal representative plaintiff in this matter . . .” (MDL Doc. 7321, ¶ 5, pp. 1-2; Related Case 46) Attached to the motion is an order entered by the Circuit Court for Collier County, Florida, Probate Division on November 2, 2012 granting letters of administration to and appointing Mr. Willis as the “single personal representative” of the estate of the late Mr. Campese. (MDL Doc. 7321, Ex. 1; Related 46) Adding to the confusion as to “Ms. Campese,” counsel concludes the motion with the following sole request for relief: “WHEREFORE, James E. Willis requests that this Court grant his request for substitution as plaintiff in this action for Plaintiff Joseph Campese, deceased.” (MDL Doc. 7321, p. 2; Related Case 46)

The motion to substitute (MDL Doc. 7321; Related Case 46) is **GRANTED IN PART** and **DENIED IN PART**. The motion to substitute Mr. Willis, the court appointed personal representative of the late Mr. Campese’s estate, as the plaintiff in this case is **GRANTED**. Because

it cannot be determined whom “Ms. Campese” is, or what counsel’s intent is with respect to “Ms. Campese,” that part of the motion is **DENIED**.

It is so **ORDERED**.

ENTERED this 11th day of February, 2014.

/s/Joe B. Brown
Joe B. Brown
United States Magistrate Judge